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ADMITTED: NEW YORK, EIGHTH CIRCUIT
SECOND CIRCUIT,
US COURT ON INTERNATIONAL TRADE

April 22, 2025

VIA ECF

The Honorable Sarah Netburn
Magistrate Judge, United States District Court
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 219
New York, NY 10007

Re: ***In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 GBD-SN***
Outstanding Motions:

Dear Judge Netburn:

Defendants World Assembly of Muslim Youth and World Assembly of Muslim Youth-International (USA) (“WAMY”) on behalf of Defendants¹, write to clarify answers given to Your Honor during the February 28, 2025 appearance in response to your question about the *Daubert* outstanding motions².

During the February 28, 2025 hearing on the now resolved Marks matter, You Honor asked, “...can you refresh my recollection where the claims against WAMY are right now [,] [w]hat is the status of the claims” (2/28/25 Tr., 37:20-22). Mr. Goetz responded that expert discovery is complete, *Daubert* was argued and that “some of those [Daubert issues] are still pending before Your Honor” (2/28/25 Tr., 37:23-25). Mr. Goetz’s remarks were correct. However, the discussion that followed appears to have possibly confused the matter. For example, after Mr. Goetz reiterated that Your Honor had issued a bellwether ruling, Your Honor then asked, “the recent letters” (2/28/25 Tr., 38-3-5) Believing the “letters” referred to the second round of *Daubert* motions that both parties filed, Mr. Goetz responded, “[y]es there was the Round 2 of that” and that the parties were waiting for a decision on the experts *Daubert* motion (2/28/25 Tr., 6-10). However, by the end of the exchange with PEC’s counsel Mr. Haefele, it appears Your Honor believes the applications were “letter, not full-blown motions...” (2/28/25 Tr., 38:11-16). This is not the case. The parties did file “full blown” *Daubert* motions.

¹ “Defendants” means WAMY, International Islamic Relief Organization (“IIRO”), Muslim World League (“MWL”), the four “Charity Officer Defendants” (Abdullah Omar Naseef, Abdullah bin Saleh al Obaid, Abdullah Mohsen al Turki, and Adnan Basha), and Yassin Kadi.

² A copy of the relevant portions of the February 28, 2025 transcript is attached and referenced as “2/28/25 Tr.”.

On July 31, 2023, Defendants filed the initial moving papers (ECFs 9246 [notice of motion], 9247 [memorandum of law], and 9250 [Bembry declaration]) seeking to exclude the expert testimony of Evan Kohlmann and Matthew Levitt. On July 31 and August 1, 2023 Counsel for Yassin Kadi separately filed a motion to exclude the testimony of Victor Comras (ECF 9248 [notice of motion]; 9255 [memorandum of law]; and 9256 [Salerno Declaration]). Plaintiffs filed their opposition papers to Kadi and Defendants' motion on September 15, 2023 (ECF 9344 [memorandum of law] and 9345 [Haefele declaration]). Defendants filed their reply papers on October 16, 2023 (ECFs 9375 [reply memorandum of law] and 9376 [Bembry second declaration]). Kadi filed his reply memorandum of law on October 16, 2023 (ECF 9374). This second round of Defendants' and Kadi's motions to exclude the aforementioned experts are fully briefed.

We respectfully submit this letter to clarify the pending *Daubert* motions and to fully apprise the court of the current status of this MDL litigation.

Respectfully Submitted,

s/s Omar Mohammedi

By Omar T Mohammedi

Cc: All Counsel of Record
Via ECF

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 In Re Terrorist Attacks on 03 MD 1570 (GBD) (SN)
5 September 11, 2001
6 -----x

7 New York, N.Y.
8 February 28, 2025
9 10:00 a.m.

10 Before:

11 HON. SARAH NETBURN,
12 U.S. Chief Magistrate Judge
13 APPEARANCES

14 COZEN O'CONNOR
15 Attorneys for Executive Committee Plaintiffs
16 BY: SEAN P. CARTER

17 KREINDLER & KREINDLER LLP
18 Attorneys for Bauer and Ashton Plaintiffs
19 BY: STEVEN R. POUNIAN
20 JAMES GAVIN SIMPSON

21 MOTLEY RICE LLC
22 Attorneys for Executive Committee Plaintiffs
23 BY: ROBERT T. HAEFELE

24 ANDERSON KILL, P.C.
25 Attorneys for Executive Committee Plaintiffs
BY: JERRY S. GOLDMAN
BRUCE STRONG
ALEXANDER GREENE

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Attorneys for Defendant World Assembly of Muslim Youth
BY: OMAR T. MOHAMMEDI

GOETZ & ECKLAND P.A.
Attorneys for Defendant World Assembly of Muslim Youth
BY: FREDERICK GOETZ

Also Present: Marcus Asner
Benjamin Wolverton

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1 like no other, they have been dealing with this issue.

2 THE COURT: I don't know whether you have a view or
3 not, but one question that I have is, what is in this ten-page
4 complaint that, I believe, Guzman and Goldberg submitted to
5 their employer, Baker Tilly? That document I haven't seen, and
6 I am curious if you have a view on that.

7 MR. GOETZ: My view would be this, your Honor: That
8 if there is going to be a submission of that document, it
9 should go to the Court in camera. I think that's the place to
10 start. And again, I don't know what Baker Tilly submitted,
11 whether they described that for you. I know we have
12 second-hand descriptions, or possibly third-hand descriptions
13 of what that contained, as represented by Mr. Asner. But if
14 there is any -- given the sensitive nature of it, it concerns a
15 lot of other issues that have nothing to do with this case
16 whatsoever, I think if it is going to be submitted, it should
17 simply be first to the Court in camera.

18 THE COURT: Thank you.

19 Can I just ask you one other slightly unrelated
20 question, which is, can you refresh my recollection where the
21 claims against WAMY are right now. What is the status of the
22 claims?

23 MR. GOETZ: Well, I believe expert discovery is
24 concluded. We have argued Daubert issues. Some of those are
25 still pending before your Honor. I think we have Rule 72

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1 objections up before Judge Daniels.

2 THE COURT: You have some that are pending before me?

3 MR. GOETZ: Some Daubert issues, yes. You had the
4 bellwether rulings, but then --

5 THE COURT: The recent letters.

6 MR. GOETZ: Yes, there was the Round 2 of that.

7 So, frankly, I think our position is we are waiting
8 for Judge Daniels' ruling on the experts, then your ruling on
9 the experts, and then whether we intend to bring the summary
10 judgment motion.

11 MR. HAEFELE: Your Honor, may I address that, just to
12 clarify that one question?

13 What's pending before your Honor is the supplemental
14 Daubert motions that the defendants had done regarding a few of
15 the plaintiffs' experts.

16 THE COURT: Right. The letters, not full-blown
17 motions but, sort of, five-page letter motions.

18 MR. HAEFELE: I think that's right.

19 THE COURT: OK.

20 MR. GOETZ: In sum, your Honor -- and these attacks --
21 again, the letter, we have no issue that that should not have
22 been brought to the Court's attention, but there is a question
23 of how it was handled after that, and particularly when you
24 look at the November 26, 2024 submissions. There are personal
25 attacks against Mr. Mohammedi. Mr. Haefele, in particular, has